



## With Obamacare entrenched, Democrats feel free to gripe

By: [Jennifer Haberkorn](#)

March 11, 2013 11:44 PM EDT

A funny thing happened once Democrats grew confident that Obamacare is truly the “law of the land.”

They started complaining about pieces of it in public.

Democrats aren’t walking away from the overall law and its sweeping goals; they still see it as a historic achievement they had sought for generations.

But now that they feel its future is protected and it’s safe from repeal, Democrats are slowly becoming more vocal about small parts of the law that they want changed or eliminated — device taxes, a Medicare board, even kids’ dental coverage, to name a few.

And with important 2014 deadlines closing in, they’re more willing to point out where they think the Obama administration isn’t implementing the law correctly.

For instance, four Senate Democrats and two dozen House Democrats have signed on to Republican bills to repeal the law’s tax on medical-device manufacturers. Another 10 House Democrats want to repeal one of the law’s boards charged with containing Medicare spending.

During one recent Senate hearing, more fire came from the left than the right as several Democrats grilled a top administration health care official on how he’s getting the law up and running.

The Democratic critique of the law wasn’t unheard of last year, but it was quiet.

Since President Barack Obama’s signature health reform law passed in early 2010, Democrats banded together — just about universally — to defend it against a Republican Party that was just as uniformly set on repealing it.

But now that Obama has been reelected and there is no chance Republican repeal attempts would get past his veto pen, the political dynamic seems to have opened a door to Democrats to critique the law — and push back when they think the Obama administration isn’t putting the law in place as they want.

There’s also an oversight role: The law’s major provisions are slated to go into effect next January. Consumers can start signing up in October. Backers want that to go as smoothly as possible, lest Republicans say the rollout was the failure they had predicted all along.

As with any big piece of legislation, most members who supported it have pieces they would like changed.

Senate Democrats have taken a hard line against the pieces of the law that trouble them.

Sen. Maria Cantwell (D-Wash.) has threatened to vote against Obama’s nominee to lead the Centers for Medicare & Medicaid Services unless the administration allows states to run a Basic Health Plan, an optional program that allows states to use federal subsidies to insure people just above the federal poverty level. But the administration has put that option off for at least a year.

In a recent Finance Committee hearing, Cantwell pressed Gary Cohen, the director of the HHS Center for Consumer Information and Insurance Oversight, on why the agency is slow-walking the Basic Health Plan and not other pieces of the law.

“It seems as if the agency is taking, I don’t know, how many pages out of 900 [pages of

the health law] and saying, that's the health plan," she said. "As far as I'm concerned, I think the president signed all 900 pages."

Sen. Bill Nelson (D-Fla.) then demanded that Cohen explain why the Obama administration "negotiated away" money for another small piece of the law, one to set up insurance co-ops to compete with commercial insurers in the state-based health insurance exchanges. He warned that the administration is risking the entire law's success.

"If we have this kind of implementation, then we're not going to fulfill the goal that we all set when we laboriously put together ... this health care bill," Nelson said.

Sen. Ben Cardin (D-Md.) went to the Senate floor recently to criticize an HHS regulation, stemming from the health law, that he said doesn't do enough to ensure that children have access to dental care.

"I am thoroughly concerned that our progress [on pediatric dental health] is about to be stalled," he said, marking the anniversary of the death of a Maryland child, Deamonte Driver, from untreated tooth decay that led to a fatal infection. The rule that HHS released wouldn't ensure that other children have dental care and "was not what Congress intended."

Four Senate Democrats — Sens. Amy Klobuchar and Al Franken of Minnesota, Bob Casey of Pennsylvania and Joe Donnelly of Indiana — are co-sponsoring a Republican bill to repeal the law's medical-device tax. None were co-sponsors last year (although Donnelly was just elected to the Senate in November).

Two dozen Democrats have signed on to a corresponding House bill, sponsored by Republican Rep. Erik Paulsen, also of Minnesota, which is home to many device makers. Only five Democrats co-sponsored the bill in the last Congress, although many more backed it when it came up for a vote.

Rep. Ron Kind of Wisconsin was the lead Democrat on the medical-device bill this year.

"I've always come to health care reform from the perspective that it isn't the perfect end-all, be-all bill," Kind said. "We have to learn what is working and what isn't working and make adjustments along the way. And that's going to be true regardless of the politics and who is up for reelection."

Kind acknowledged that there is a new tone on health care since the president was reelected and some Republican governors decided to move ahead on implementation.

"The repeal efforts aren't going anywhere. The states now, especially, are coming to grips with how we are implementing this. That changes the conversation," he said.

Ten House Democrats are co-sponsoring a bill to repeal the law's Independent Payment Advisory Board, a controversial panel that is designed to keep Medicare spending in check. Last year, only one Democrat voted to repeal the board, but others supported an earlier version of the bill. The panel, which was a Senate idea, has never had strong support among House Democrats.

Rep. Bill Pascrell (D-N.J.) says he strongly opposes the board because it grants the executive branch power over spending that should be reserved for Congress. But he stressed that his opposition to IPAB doesn't diminish support for the rest of Obamacare.

"I think that the essential themes of the health care bill are strong, and I continue to support them," he said. "In some areas, I wanted it to go further."